



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,230	02/14/2002	Jack L. Auflick	201-0924 (15842)	1020

27378 7590 08/08/2005

MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA-FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

EXAMINER

FLANDERS, ANDREW C

ART UNIT	PAPER NUMBER
----------	--------------

2644

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,230	AUFLICK ET AL.	
	Examiner	Art Unit	
	Andrew C. Flanders	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

7M

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Real (Real Jukebox Plus Manual) in view of Seo et al. (U.S. Patent Application Publication 2004/0010415, herein referred to as Seo).

Regarding **Claim 1**, Real discloses:

A method of organizing digital audio tracks on a predetermined media for selection by an audio player, said predetermined media storing said digital audio tracks in a directory-based file system (the music library in fig 3-1), said method comprising the steps of:

scanning said predetermined media to locate each of said digital audio tracks to determine a total number of tracks (i.e. searching the disc for music Real Audio Jukebox can play; page 47).

Real does not explicitly disclose numbering said digital audio tracks with a flat-file selection number from a first flat-file selection number to a last flat-file selection number in a flat file mode;

numbering each directory within said file system containing at least one of said digital audio tracks from a first directory number to a last directory number single-level directory mode;

numbering digital audio tracks within each numbered directory with an in-directory selection number from a respective first in-directory selection number to a respective last in-directory selection number;

selecting either said flat file mode or said directory mode;

when in said flat file mode, searching for a desired digital audio track by sequentially navigating through said flat-file selection numbers; and

when in said directory mode, selecting a desired directory and then searching for a desired digital audio track by sequentially navigating through said in-directory selection numbers.

Seo discloses:

numbering said digital audio tracks with a flat-file selection number from a first flat-file selection number to a last flat-file selection number in a flat file mode (i.e. the database includes a directory index which is a serial number for referring to the directory registered in the database; paragraph 85);

numbering each directory within said file system containing at least one of said digital audio tracks from a first directory number to a last directory number single-level directory mode (i.e. the database includes a sub directory index; paragraph 88);

numbering digital audio tracks within each numbered directory with an in-directory selection number from a respective first in-directory selection number to

Art Unit: 2644

a respective last in-directory selection number (i.e. the sub file includes a number of the sub file; paragraph 89).

The combination of Real in view of Seo further discloses:

selecting either said flat file mode (i.e. master library) or said directory mode (i.e. artist, album or genre directory) (i.e. a user of the Real Jukebox Plus software can select the master library or the artist album or genre directory; Fig. 3-1);

when in said flat file mode, searching for a desired digital audio track by sequentially navigating through said flat-file selection numbers (i.e. when the user of the Real Audio software is using the master library, they can scroll through the files which are numbered by Seo's database numbering scheme); and

when in said directory mode, selecting a desired directory and then searching for a desired digital audio track by sequentially navigating through said in-directory selection numbers (i.e. when the user of the Real Audio software is using the artist, genre or album directory, they can scroll through the files which are numbered by Seo's database numbering scheme).

It would have been obvious to one of ordinary skill in the art to apply Seo's database numbering system to Real's music library software. One would have been motivated to do so to improve the speed of searching and playing; see Seo paragraph 12.

Art Unit: 2644

Regarding **Claim 2**, in addition to the elements stated above regarding claim 1, the combination of Real in view of Seo further discloses:

wherein said first flat-file selection number equals 1 and said last flat-file selection number equals said total number of tracks (i.e. the first file in the database has an index of 1 and the last file has a number of 4, out of four files; Seo Fig. 8).

Regarding **Claim 3**, in addition to the elements stated above regarding claim 1, the combination of Real in view of Seo further discloses:

wherein said first in-directory selection number in each respective numbered directory is equal to 1 (i.e. the sub file index and the number of the sub file memorize the first index where the sub directory of the directory is recorded on the file database, and the number of the sub files; paragraph 88 and Fig. 8 in Seo).

Regarding **Claim 4**, in addition to the elements stated above regarding claim 3, the combination of Real in view of Seo further discloses:

wherein each respective last in-directory selection number is equal to a total number of said digital audio tracks contained within its respective directory (i.e. the sub file index and the number of the sub file memorize the first index where the sub directory of the directory is recorded on the file database, and the number of the sub files; paragraph 88 and Fig. 8 in Seo).

Art Unit: 2644

Regarding **Claim 5**, in addition to the elements stated above regarding claim 1, the combination of Real in view of Seo further disclose:

wherein said scanning step is comprised of compiling and storing in an index table a respective flat-file selection number, a directory number, and an in-directory selection number assigned to each digital audio track found during said scanning (i.e. searching the disc for music Real Audio Jukebox can play; page 47 in Real; and each of the audio files in the combination are designated a directory index, a sub directory index and a sub file number; Fig. 8 in Seo and its associated text).

Regarding **Claim 6**, in addition to the elements stated above regarding claim 1, the combination of Real in view of Seo further discloses:

wherein said digital audio tracks are identified by a respective file extension in their respective file names of said file system (i.e. Real Jukebox's sound can come from many different sources, and each of these sources have file extensions, such as .rmx, .ra, .rmj and .mp3; page 74 in Real).

Regarding **Claim 7**, in addition to the elements stated above regarding claim 6, the combination of Real in view of Seo further discloses:

wherein said digital audio tracks are encoded as MP3 files (i.e. Real Jukebox can play MP3 files; page 1)

Art Unit: 2644

Regarding **Claim 8**, in addition to the elements stated above regarding claim 1, the combination of Real in view of Seo further discloses:

wherein said predetermined media is comprised of a CD-ROM disc (i.e. Real Jukebox can play CD's; page 1).

Regarding **Claim 9**, Real discloses;

An audio player for reproducing selections from a predetermined media containing digital audio tracks stored a directory-based file system (the music library in fig 3-1), said audio player comprising:

a controller for scanning said predetermined media to locate each of said digital audio tracks and to determine a total number of tracks (i.e. searching the disc for music Real Audio Jukebox can play; page 47).

Real does not explicitly disclose a display showing selection number identifying data;

a user control interface for selecting either a flat-file mode or a directory mode and for navigating sequentially through said selection number identifying data;

a controller for numbering said digital audio tracks with a flat-file selection number from a first flat- file selection number to a last flat-file selection number in said flat file mode,

for numbering each directory within said file system containing at least one of said digital audio tracks from a first directory number to a last directory number in said directory mode, and

for numbering digital audio tracks within each numbered directory with an in-directory selection number from a respective first in- directory selection number to a respective last in-directory selection number;

wherein, when in said flat file mode, said controller is responsive to said user control interface for searching for a desired digital audio track by sequentially navigating through said flat-file selection numbers; and

wherein, when in said directory mode, said controller is responsive to said user control interface for selecting a desired directory and then for searching for a desired digital audio track by sequentially navigating through said in-directory selection numbers.

Seo discloses:

a controller for numbering said digital audio tracks with a flat-file selection number from a first flat- file selection number to a last flat-file selection number in said flat file mode(i.e. the database includes a directory index which is a serial number for referring to the directory registered in the database; paragraph 85),

for numbering each directory within said file system containing at least one of said digital audio tracks from a first directory number to a last directory number in said directory mode (i.e. the database includes a sub directory index; paragraph 88), and

for numbering digital audio tracks within each numbered directory with an in-directory selection number from a respective first in- directory selection number to a respective last in-directory selection number (i.e. the sub file includes a number of the sub file; paragraph 89).

Art Unit: 2644

The combination of Real in view of Seo further discloses:

a display showing selection number identifying data (the music library screen in Fig 3-1 of Real);

a user control interface for selecting either a flat-file mode (i.e. master library) or a directory mode (i.e. artist, album or genre directory) and for navigating sequentially through said selection number identifying data (i.e. a user of the Real Jukebox Plus software can select the master library or the artist album or genre directory; Fig. 3-1);

wherein, when in said flat file mode, said controller is responsive to said user control interface for searching for a desired digital audio track by sequentially navigating through said flat-file selection numbers; and

(i.e. when the user of the Real Audio software is using the master library, they can scroll through the files which are numbered by Seo's database numbering scheme); and

wherein, when in said directory mode, said controller is responsive to said user control interface for selecting a desired directory and then for searching for a desired digital audio track by sequentially navigating through said in-directory selection numbers (i.e. when the user of the Real Audio software is using the artist, genre or album directory, they can scroll through the files which are numbered by Seo's database numbering scheme).

It would have been obvious to one of ordinary skill in the art to apply Seo's database numbering system to Real's music library software. One would have

Art Unit: 2644

been motivated to do so to improve the speed of searching and playing; see Seo paragraph 12.

Regarding **Claim 10**, in addition to the elements stated above regarding claim 9, the combination of Real in view of Seo further discloses:

wherein said display further shows an indicator according to one of said flat file mode or said directory mode that is selected at a particular time (i.e. the music library screen shows whether the master library or artist, album or genre folder is selected; fig. 3-1 in Real).

Regarding **Claim 11**, in addition to the elements stated above regarding claim 9, the combination of Real in view of Seo further discloses;

wherein said selection number identifying data shown on said display is a flat file-selection number while in flat file mode (i.e. the music library screen shows the various selections in the master library; Fig. 3-1 in Real. It is obvious the numbers of the combination disclosed by Seo could be displayed)

and wherein said selection number identifying data shown on said display includes an in-directory selection number while in said directory mode (i.e. the music library screen shows the various selections in the artist, album and genre folder; Fig. 3-1 in Real. It is obvious the numbers of the combination disclosed by Seo could be displayed).

It would have been obvious to one of ordinary skill in the art to display Seo's database numbering system to Real's music library software screen. One

Art Unit: 2644

would have been motivated to do so to improve the speed of searching and playing; see Seo paragraph 12.

Regarding **Claim 12**, in addition to the elements stated above regarding claim 11, the combination of Real in view of Seo further discloses:

wherein said selection number identifying data for said directory mode is comprised of a directory number followed by an in-directory selection number (i.e. the database by Seo includes sub directory numbers and sub directory file numbers; fig. 8 and its related text in Seo. Again, as shown in claim 11 it would have been obvious to display these number on the screen disclosed by Real).

Regarding **Claim 13** in addition to the elements stated above regarding claim 9, the combination of Real in view of Seo does not disclose wherein said display further shows a wait message during said scanning of said predetermined media.

However, Examiner takes official notice that displaying a wait message during various computing processes, such as scanning predetermined media, is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to display a wait message on the combination of Real in view of Seo. One would have been motivated to do so in order to inform the user that the combination was in the process of searching. It would be desirable to do so to prevent the user from using other processes thereby slowing the searching process.

Regarding **Claim 14**, in addition to the elements stated above regarding claim 9, the combination of Real in view of Seo further discloses an index table compiled during said scanning of said predetermined media for storing a respective flat-file selection number, a directory number, and an in-directory selection number assigned to each digital audio track found during said scanning (i.e. searching the disc for music Real Audio Jukebox can play; page 47 in Real; and each of the audio files in the combination are designated a directory index, a sub directory index and a sub file number; Fig. 8 in Seo and its associated text).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Berhan (U.S. Patent 6,487,145)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Flanders whose telephone number is (571) 272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

acf



VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600